

**WYRE FOREST DISTRICT COUNCIL****CABINET**  
**21<sup>ST</sup> JULY 2009****Air Quality Management Consultation**

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| <b>OPEN</b>                                  |  |
| <b>SUSTAINABLE COMMUNITY STRATEGY THEME:</b> | Improving Health and Wellbeing   |
| <b>CORPORATE PLAN AIM:</b>                   | A Better Quality of Life   |
| <b>CABINET MEMBER:</b>                       | Councillor Mrs T L Onslow  |
| <b>DIRECTOR</b>                              | Director of Planning and Regulatory Services   |
| <b>CONTACT OFFICER:</b>                      | Mark Kay – Ext. 2580<br><a href="mailto:Mark.Kay@wyreforestdc.gov.uk">Mark.Kay@wyreforestdc.gov.uk</a> |
| <b>APPENDICES:</b>                           | 1 Appendix - Air Quality Management Proposal 1<br>2 Appendix - Air Quality Management Proposal 2       |

**1. PURPOSE OF REPORT**

- 1.1 To report on the results of the consultation on the proposed air quality management declarations following the completion of a detailed air quality assessment in Radford Avenue/Coventry Street, Kidderminster, and recommend a management proposal.

**2. RECOMMENDATION**

**Cabinet is asked to RECOMMEND to Council:**

- 2.1 **To consider the outcome of the consultation exercise and to agree the designation of the Air Quality Management Areas set out in the appendix to this report.**

**3. BACKGROUND**

- 3.1 Following the Councils Update and Screening Assessment of Air Quality thought the District in 2006, a detailed assessment was undertaken on behalf of the Council by Air Quality Consultants Ltd in November 2007 which confirmed that nitrogen dioxide levels are exceeding the Government's air quality objectives in this area at a number of residential properties due to road vehicle pollution.
- 3.2 The Environment Act 1995 requires Local Authorities who identify areas of exceedance to declare Air Quality Management Areas. Prior the creation of such areas the council must undertake a full consultation process with all residents, political representatives and statutory consultees.
- 3.3 Cabinet delegated the Director of Planning and Regulatory Services (formerly the Head of Planning Health and Environment) to undertake a consultation exercise and

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to report back on the results of such consultation, together with proposals for the future declaration of an Air Quality Management Area (AQMA) on the 19 February 2009.

- 3.4 120 Letters were sent to households and businesses located in the proposed AQMA location. In addition to this, local Members and statutory consultees were also contacted and informed of the consultation and were invited to visit the manned public display at the Hub on the 20, 21 and 23 April 2009. In addition to this, a public meeting and workshop was held on the evening of the 7 May 2009.
- 3.5 A full press release was also issued with an article on the front page of the Express and Star on the 13 April 2009 details of which were also included in May Core Brief.
- 3.4 On the 20 April 2009 Principal Pollution Control Officer and Cabinet Member for Housing, Health & Rural Affairs gave radio interviews to BBC Hereford & Worcester and Wyre FM which were broadcast several times during the course of the consultation.
- 3.5 In addition to this, a comprehensive consultation pack of information was made available which is also replicated on the Council website: -

<http://www.wyreforestdc.gov.uk/ccm/content/planning/environmental-health-services/pollution/air-quality-management-area.en>

- 3.6 The consultation period ended on 12 June 2009.

### 4. **KEY ISSUES**

- 4.1 The Council consulted on both proposals and received no comments or preference at all as a result of the consultation process.
- 4.2 It is the Principal Pollution Control Officers opinion that AQMA Proposal 2 will offer greater flexibility and opportunity for change as it combines the existing AQMA in the Horsefair with the current area of exceedance in Coventry Street, which will allow both areas to be considered together which will simplify the transport planning process.

### 5. **FINANCIAL IMPLICATIONS**

- 5.1 There will be cost implications both with regard to the Action Plan and Future Monitoring. The action plan costs will be met within existing budgets, and a grant application to DEFRA has been made to cover the cost of future monitoring However there is no guarantee that the settlement will be 100% (cost of installing equipment and maintenance is estimated to be £25,000).

### 6. **LEGAL AND POLICY IMPLICATIONS**

- 6.1 The Council is obliged under the Environment Act 1995 to declare an area of poor air quality which exceed the government objectives an Air Quality Management Area (AQMA). Local authorities have a duty to make such declarations whether they have the power to resolve the problem through the action planning process or not, and is subject to Secretary of State guidance.

- 6.2 The confirmation of such declaration will require the Council to monitor air quality in the area using automatic monitoring techniques and to produce an action plan within 12 months of the declaration.

**7. RISK MANAGEMENT**

- 7.1 DEFRA have already insisted that the Council should declare this area and AQMA. Should the council fail to declare the area concerned then the Secretary of State may intervene and undertake the declaration under Section 85 of the Environment Act 1995.

**8. CONCLUSION**

- 8.1 It is recommended that Cabinet make recommendation to approve Air Quality Management proposal 2 (see *Appendix*) as it will focus the County Council's Transport Planning department into delivering air quality improvements over a larger area and subsequently improve the wellbeing of a greater number of people in Kidderminster .

**9. CONSULTEES**

- Secretary of State
- Members of the Public
- Local Elected Members
- West Midlands Regional Assembly
- The Environment Agency
- The Highways Agency
- Worcestershire County Council (Highway Authority)
- Neighbouring Local Authorities
- Primary Care Trust
- Bodies representing Local Business interests.

**10. BACKGROUND PAPERS**

- Part IV of the Environment Act 1995
- DEFRA Policy Guidance LAQM. PG(03)
- DEFRA Technical Guidance LAQM. TG(03)
- Air Quality Consultants – Detailed assessment Radford Road/Coventry Street Kidderminster : November 2007.
- Wyre Forest District Council Air Quality Progress Report April 2008.
- NSCA – Air Quality Management Areas – Turning Reviews Into Action.